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January 7, 2010

Hon. Lynn Adelman
United States District Court
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4500

RE: *United States v. Jacob Collins*, Case No. 09-CR-155

Your Honor:

I write in objection to the Court's consideration of a letter written by Graham Kunisch (one of the police officers shot and seriously wounded by Julius Burton) and submitted by the Government yesterday. While Mr. Kunisch's wide-ranging thoughts are certainly meaningful, they are improperly before the Court. In a criminal case, members of the public generally have no voice in connection with a defendant's sentencing proceeding. *See* Fed. R. Crim. P. 32(i). While Rule 32(i)(4)(B) provides a "victim" with a right to be heard, Rule 1(b)(11) states that a "victim" is a "crime victim" as defined by statute. In turn, the relevant statute defines "crime victim" as "a person directly and proximately harmed as a result of the commission of a Federal offense." 18 U.S.C. § 3771(e). The point here is that Jacob Collins' "Federal offense[s]" of making a false statement in acquiring a firearm and possessing a firearm while prohibited from doing so by reason of his being a user of a controlled substance did not "directly" harm Mr. Kunisch or any other identifiable person. *See, e.g., United States v. Randle*, 324 F.3d 550, 556 (7th Cir. 2003)(indicating that the relevant harm to a person is direct only if resulting from "the conduct to which the defendant pled guilty and nothing else"); *United States v. Shepard*, 269 F.3d 884, 886-87 (7th Cir. 2001)(rejecting the notion that harm "causally related to a crime" makes the person suffering the harm a "victim of that crime").

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I thank the Court for its consideration of this matter.

Respectfully submitted,

s/Daniel W. Stiller
Daniel W. Stiller

DWS/lcw

c: AUSA John Manning

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